

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4999

BY DELEGATES KIRBY, STEELE, BROOKS, AND C. PRITT

[Passed March 8, 2024; in effect ninety days from
passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 27 A 11:07

FILED

HB4999

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1 AN ACT to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating
2 to expanding the exception to spousal testimonial privilege to include cases of offenses
3 committed against the grandchildren of either spouse, or minor, as defined in §2-2-10 of
4 this code, or any person deemed incompetent by mental disease, defect, or other
5 disability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-3. Testimony of husband and wife in criminal cases.

1 In criminal cases husband and wife shall be allowed, and, subject to the rules of evidence
2 governing other witnesses, may be compelled to testify in behalf of each other, but neither shall
3 be compelled, nor, without the consent of the other, allowed to be called as a witness against the
4 other except in the case of a prosecution for an offense committed by one against the other, or
5 against the child, grandchild, father, mother, sister or brother of either of them, or minor, as defined
6 in §2-2-10 of this code, or any person deemed incompetent by mental disease, defect, or other
7 disability. The failure of either husband or wife to testify, however, shall create no presumption
8 against the accused, nor be the subject of any comment before the court or jury by anyone.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Steve Harris
.....
Clerk of the House of Delegates

Joe Barr
.....
Clerk of the Senate

2024 MAR 27 A 11: 07
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the House of Delegates.
In effect ninety days from passage.

Alan Hawkes
.....
Speaker of the House of Delegates

C. P. ...
.....
President of the Senate

The within is *approved* this the *27th*
Day of *March* 2024.

James ...
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2024

Time 10:42am